

DEPARTMENT OF SOCIAL SERVICES  
744 P Street, Sacramento, CA 95814

April 15, 1994

ALL-COUNTY LETTER NO. 94-31

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY GAIN COORDINATORS  
ALL COUNTY AFDC COORDINATORS  
ALL COUNTY CWPDP COORDINATORS

Reason for this Transmittal

- ☒ State Law Change
- ☐ Federal Law Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by SDSS

SUBJECT: Revised GAIN Regulations

REFERENCE: All-County Letter No. 94-12  
All-County Letter No. 94-14  
All-County Letter No. 94-16

This letter provides counties with instructions to implement additional GAIN-related provisions of Senate Bills (SB) 35 and 1078 (Chapters 69 and 1252, Statutes of 1993). These provisions were filed as emergency regulations with the Secretary of State and became effective April 1, 1994. These regulations implement provisions for which federal waivers were required and received. They also implement the "one-time through" provision of SB 35 which limits receipt of certain post-assessment services to one time until all eligible individuals are being served. These regulations do not include the proposed work-experience component for AFDC-U parents. This component requires federal approval through the State Plan process. When that approval is received, the needed regulations will be processed and issued.

Following is a summary of the regulations. We have also enclosed a copy of the regulations as filed with the Secretary of State. Forms and notices related to these regulatory changes will be issued under separate cover.

Exclusions for Cal-Learn

Pregnant teens and custodial teen parents under age 19 subject to the Cal-Learn program are excluded from various GAIN requirements. The provisions to exclude these teens are located throughout the regulations. When Cal-Learn is fully operational in the county, only teen parents who are 19 years old will be subject to GAIN provisions.

The regulations implementing the Cal-Learn Program became effective April 1, 1994. Guidelines for transitioning pregnant teens and teen parents to Cal-Learn (including those currently in GAIN) are included in the Cal-Learn implementation All County Letter (ACL) 94-16.

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One-Time Through Provisions (MPP 42-774.2)

Participants who complete post-assessment adult basic education (ABE), on-the-job training (OJT), vocational education/training or vocational English-as-a-Second Language (VESL) (also known as "restricted activities") as their initial activity after assessment and do not obtain employment cannot receive further education or training services until all other individuals eligible for the program are being served, except under extenuating circumstances as defined in MPP Section 42-774.211(a) through (e).

Participants who complete a restricted activity and do not obtain employment will be referred to 90-day job search. If employment has not been obtained by the end of the 90-day period and extenuating circumstances do not exist, these participants will be required to participate in job services on an annual basis, subject to the 40-day time limit, until they are again eligible for training or education services.

Participants who complete preemployment preparation (PREP) or an activity funded by grant diversion as their initial activity after assessment and who do not obtain employment may be referred to ABE, OJT, vocational education/training or vocational ESL, consistent with the employment plan. Upon subsequent completion of the restricted activity, participants shall be eligible only for job services, unless there are extenuating circumstances.

Exemption Based on the Care of a Child Under Three (MPP 42-796)

This exemption is now available only one time during a period of continuous AFDC eligibility. We have obtained a federal waiver to define "a period of continuous AFDC eligibility" as a period of time in which there has not been a break in aid of six or more months. We are preparing a state waiver to implement this provision and we will notify you once the waiver has been processed.

Additionally, for purposes of GAIN participation, this exemption is no longer available to pregnant/parenting teens who have graduated from high school or an equivalent program through Cal-Learn. These parents will be required to move directly into GAIN participation from Cal-Learn unless they meet a deferral or another exemption criterion.

If you have any questions regarding this letter, please contact your GAIN Operations analyst at (916) 657-3403.

*Michael C. Genest /mck*

MICHAEL C. GENEST  
Deputy Director  
Welfare Programs Division

Enclosure

Amend Section 42-710 to read:

42-710 INTRODUCTION TO GAIN (Continued)

42-710

.3 Definitions for Terms Used in This Chapter (Continued)

(w) "Teen Parent" or "Teenage Parent" means a custodial parent or pregnant woman under 19 years of age.

(~~w~~x) "Unsubsidized Employment" (Continued)

(~~x~~y) "Volunteer" (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11320, 11320.2, 11320.4, 11320.6, 11320.8, 11321, 11321.2, 11321.4, 11321.6, 11321.8, 11322, 11322.2, 11322.4, 11322.6, 11322.8, 11323, 11323.1, 11323.15, 11323.2, 11323.4, 11323.6, 11323.8, 11324, 11324.2, 11324.4, 11324.6, 11324.8, 11325, 11325.2, 11325.4, 11325.6, 11326, 11326.2, 11326.4, 11326.6, 11326.8, 11327, 11327.2, 11327.4, 11327.5, 11327.6, 11327.8, 11328, 11328.1, 11328.2, 11328.4, 11328.6, 11328.8, 11329, 11329.2, 11329.4, 11329.5, 11331.5(d), and 13280, Welfare and Institutions Code.

Adopt Section 42-711 to read:

42-711 DEMONSTRATION PROJECTS

42-711

.1 Federal Demonstration Projects

- .11 Counties that make an agreement with the Department to assign GAIN registrants to an evaluation control group must comply with the procedures set forth in the agreement throughout the duration of the evaluation.
- .12 The county shall give members of an evaluation control group adequate notification that they are members of such a group according to Sections 22-001(a)(1) and 22-021.
- .13 The designation and treatment of the control group shall be accomplished pursuant to the Project's mandated parameters outlined in the Federal Terms and Conditions as approved by the Department of Health and Human Services.
  - .131 Designation and treatment of the control group members shall be limited to control group members residing within evaluation counties.
- .14 For the purposes of the federal California Work Pays Demonstration Project (CWPDP), the control county shall not apply the following new provisions to those applicants and recipients who are designated as members of the Project's control group.
  - .141 Section 42-796.11 - Exemption Due to Having a Child Under Age 3.
    - (a) See Section 42-711.155 for applicable rules.
- .15 For purposes of the federal CWPDP, the control county shall apply the following provision to those applicants and recipients who are designated as members of the Project's control group:
  - .151 The Exemption Based on the Care of a Child Under Three (Code 8)

The parent or other relative of a child under age three who is personally providing care for the child is exempt from GAIN registration except as provided in Section 42-772.7.

    - (a) The exemption in Section 42-711.151 shall apply to only one parent in an AFDC-U case.
    - (b) See Sections 42-796.2 and .3 for documentation and review instructions.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Section 11310, Welfare and Institutions Code.

Amend Section 42-720 to read:

42-720 THE GAIN COUNTY PLAN (Continued)

42-720

.3 County Plan Content (Continued)

.32 The participant and labor market needs assessment shall specify all of the following: (Continued)

.325 The amount and kind of services that will be used in the plan year, including the methodology for the provision of services. (Continued)

(d) Notwithstanding Section 42-720.325(c), when the Cal-Learn Program, as described in Sections 42-762 through 42-769, is operative, the county plan shall contain the information required by Section 42-767.

(de) A county plan update containing the requirements of Section 42-720.325(c) shall be submitted ~~to DSS no later than~~ March 1/ 1991 as required by CDSS. (Continued)

.5 CDSS County Plan Approval (Continued)

.57 CDSS approval of a county plan shall be dependent upon but not limited to the following: (Continued)

.573 Whether the plan contains an identification of, and linkages or planned linkages to, education and supportive services and a description of the case management services available to custodial parents under the age of 18, as specified in Section 42-720.325(c) or Section 42-766 when the Cal-Learn Program is operative. (Continued)

.6 GAIN Target Population Priority (Continued)

.67 The cost reduction provisions specified in Section 42-720.63, including the priority provisions specified in Sections 42-720.632, .633 and .634, shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative. (Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11320.6(b), 11320.8(c), 11321, 11321.2, 11321.2(a), 11322.2(b), 11322.4, 11323.15, 11330.5(d), 11330.8(c), 11330.9, 11333.5(b) and 13280, Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.12(c); and 45 CFR 250.31(a).

Amend Section 42-751 to read:

42-751 UNDERPAYMENTS AND OVERPAYMENTS OF SUPPORTIVE SERVICES (Continued) 42-751

.2 General Criteria

.21 The CWD shall take all reasonable steps necessary to promptly correct and collect any overpayment that is known to the county. (Continued)

.214 The CWD shall continue to attempt recovery efforts in all cases of former Cal-Learn participant overpayments. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.4(b) and (d)(1), and 11328, Welfare and Institutions Code/ ~~AB 112/ Chapter 1568/ Statutes of 1990~~; 45 CFR 205.10, 255.2(h)(1) and 255.4(j); and 54 FR 42234, October 13, 1989; JOBS-FSA-AT-91-5.

Amend Section 42-760 to read:

42-760 GAIN REGISTRATION (Continued)

42-760

.9 The provisions of Section 42-760 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, ~~and~~ 11320.4(e), 11325(d) and 11325.2(d), Welfare and Institutions Code/ ~~AB 112/ Chapter 1308/ Statutes of~~ 1990; 45 CFR 250.90, 45 CFR 250.94(a)(2), 45 CFR 250.95(b) and 45 CFR 250.97(f)(7).

Amend Section 42-761 to read:

42-761 GAIN REGISTRANT APPRAISAL (Continued)

42-761

.6 The provisions of Section 42-761 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11323.2(a), 11323.4(d)(1), 11323.6(d)(1), 11325, 11325.2(c)(7), ~~and~~ 11330.3 and 11331.5(b), Welfare and Institutions Code; 45 CFR 250.1; 45 CFR 250.41(a)(1)(i) and (b); 45 CFR 250.48(a) and 45 CFR 255.2(a); and 54 FR 42184, October 13, 1989.



Amend Section 42-771 to read:

42-771 GAIN PARTICIPANT CONTRACTS (Continued)

42-771

.6 The provisions of Section 42-771 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11325.2(c)(1)(B) and 11325.2(d), Welfare and Institutions Code/ ~~AB 112/ Chapter 1868/ Statutes of 1990~~ and 45 CFR 255.2(h).

Amend Section 42-772 to read:

42-772 GAIN BASIC PARTICIPANT CONTRACT REQUIREMENTS (Continued)

42-772

- .6 Except as provided in Sections 42-772.61, 42-772.62 and 42-772.71, for any parent or other relative who is personally providing care to a child under age 6, participation shall not be required for more than 20 hours per week.
- .61 The participation limit specified in Section 42-772.6 is applicable to only one parent in an AFDC-U case.
- .62 The participation limit specified in Section 42-772.6 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative or to those Cal-Learn participants who have graduated from high school or an equivalent program.
- .7 For any custodial parent under age 20 who does not possess a high school diploma or its equivalent and who is not exempt, or whose sole reason for exemption would have been having a child under age three, or who volunteers, the participant contract shall provide that the individual participate in an educational activity leading to a high school diploma or equivalent, except as provided for self-initiated participants in Section 42-772.722.
- .71 These participants shall participate full-time as defined by the educational provider.
- .711 The provisions of Section 42-772.7 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.  
(Continued)

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11310(b)(6)(B), (d) and (e), 11323.15, 11325.2(c)(5), (6) and (7), 11326.2(b), (c)(5)(D) and (E), 11330, 11330.1, 11330.2, 11330.4, 11330.5, 11330.6, 11330.8, ~~and~~ 11330.10 and 11331.5, Welfare and Institutions Code; and 45 CFR 250.1; 45 CFR 250.32(a)(1) and (3)(ii); 45 CFR 250.48 and .48(b); and 45 CFR 255.2(a) and (c).

Amend Section 42-773 to read:

42-773 DEVELOPMENT OF AN EMPLOYMENT PLAN (Continued)

42-773

.8 The provisions of Section 42-773 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15 and 11325.4(c), Welfare and Institutions Code.

Amend Section 42-774 to read:

42-774 PARTICIPANT CONTRACT AMENDMENTS

42-774

Whenever a participant is assigned to a different program component, the contract shall be amended to reflect the assignment and supportive services (Section 42-750) necessary for participation. The CWD and the participant shall sign the amended contract and be bound by its terms. (Continued)

12 Any individual who remains unemployed after meeting the criteria established for successful completion of the assigned training or education services agreed to in 11 above, shall be referred to job search services for a period of 90 days. These job search services may include any of the services under Section 42-730.12, depending on the participant's needs. The contract shall be amended to reflect the assignment to job search services, and the provision of supportive services. Job search activities during this 90-day period shall not be subject to the 40-day time limitation specified in Section 42-730.12.1.

12.1 If the participant remains unemployed at the end of the 90-day job search period, the CWD shall evaluate the participant's situation and reassign him/her to an advanced long-term PREP assignment, as described in Section 42-730.12.1. The contract shall be amended to reflect the assignment to the PREP component and the provision of supportive services.

12.1.1 The assignment to advanced long-term PREP shall be for 12 months. The assignment may be shortened in accordance with 14 below.

.2 Upon completion of the assigned activities agreed to under Section 42-774.1, the following provisions shall apply:

.2.1 Participants who have completed OJT, adult basic education (ABE) (including high school equivalency), vocational training/education and/or vocational ESL and who have not obtained employment shall not receive any additional training or education services, including PREP, as defined in Sections 42-730.3 and 42-730.5, until all other individuals needing such services are being served, except as specified in Section 42-774.211.

.2.1.1 Additional training and/or education services shall be provided to participants described in Section 42-774.21 in extenuating circumstances which include, but are not limited to, those specified in Sections 42-774.211(a) through .211(e). The CWD may request verification of the extenuating circumstance.

(a) The occupation for which training or education services were received is no longer in demand in the local labor market.

(b) The participant has experienced a change in his/her physical or mental condition or in his/her family circumstances which precludes employment in the occupation for which training or education services were received.

- (c) The participant has moved to a county in which the occupation for which training or education services were received is not in demand in the local labor market.
- (d) The participant is unable to obtain needed licenses or approvals.
- (e) At the discretion of the CWD, and as documented in the case file, any substantial and compelling reason other than those specified in this section.

.212 Participants described in Section 42-774.21 who do not obtain employment shall be referred to job services, as described in Section 42-730.2, for a period of 90 days. Job search activities during the 90-day period shall not be subject to the 40-day limit specified in Section 42-730.272.

.213 Participants described in Section 42-774.212 who remain unemployed after the 90-day job services period and who do not meet the provisions of Section 42-774.211 shall be eligible only for additional job services, subject to the limits specified in Section 42-730.27.

- (a) Participation in job services shall be required annually until the participant is again eligible for training or education services.

#### HANDBOOK BEGINS HERE

- (1) Consistent with her employment plan, the participant is assigned to a vocational training assignment. Upon completion of the assignment, the participant does not obtain employment; there are no extenuating circumstances.

The participant is then assigned to 90-day job services, which is the only activity available to her. If she has not obtained employment after the 90-day job services assignment, she is eligible only for additional job services, subject to the 40-day time limit. She would not be eligible for any other GAIN activity until all other eligible participants are being served.

- (2) Consistent with his employment plan, the participant is assigned to ABE, followed by OJT. Upon completion of the OJT assignment, the participant is unable to obtain employment in the field for which he was trained due to a change in his physical condition.

Because there are extenuating circumstances, the participant is eligible to receive additional training and/or education services needed to obtain employment.

#### HANDBOOK ENDS HERE

.22 Participants who have completed short-term PREP or an activity funded by grant diversion and who have not obtained employment may be referred to additional training or education services necessary to meet the employment goal.

.221 Participants described in Section 42-774.22 who subsequently complete OJT, ABE, vocational training/education or vocational ESL shall be subject to the provisions of Section 42-774.21.

.222 Participants described in Section 42-774.22 who are not referred to additional training or education services shall be referred to job services, as described in Section 42-730.2, for a period of 90 days. Job search activities during the 90-day period shall not be subject to the 40-day limit specified in Section 42-730.272.

(a) Participants described in Section 42-774.222 who remain unemployed at the end of the 90-day job services period shall be referred to an advanced long-term PREP assignment, as described in Section 42-730.32, for a period of 12 months.

(1) The advanced long-term PREP assignment may be shortened in accordance with Section 42-774.4.

HANDBOOK BEGINS HERE

(A) Consistent with her employment plan, the participant is assigned to a short-term advanced PREP activity. She does not obtain employment upon completion of the PREP assignment and is assigned to 90-day job services. She remains unemployed and is referred to long-term advanced PREP.

Because she has not yet received OJT, ABE, vocational education/training or vocational ESL, she remains eligible to receive any GAIN training or education activities needed to obtain employment.

(B) Consistent with his employment plan, the participant is assigned to a short-term basic PREP activity, followed by OJT. Upon completion of the OJT, the participant does not obtain employment. The only GAIN activity the participant is eligible to receive is job services until all other eligible participants are being served. (Continued)

HANDBOOK ENDS HERE

Amend Section 42-781 to read:

42-781 CAUSE DETERMINATIONS AND CONCILIATION

42-781

- .1 Before sanctions (Section 42-786) are applied, the CWD shall determine if there is good cause and attempt to resolve the problems when an individual who is required to enter into a participant contract or who volunteers to participate in the program fails or refuses to comply with program requirements. (Continued)
- .12 The provisions of Section 42-781 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Section 42-762 through 42-769 when that Program is operative. (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11327.4, 11327.5(c)(1), ~~and~~ 11330.10(c) and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.34(a); and FSA-JOBS-90-3 (Federal Action Transmittal).

Amend Section 42-782.4 to read:

42-782 GAIN GOOD CAUSE CRITERIA (Continued)

42-782

- .4 The good cause criteria specified in Sections 42-782.1(a), (g), (l), (m) and (n) shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.2(a), 11325, 11328(a)(12) and (14) and (i), and 11328.1 and 11333.7(b)(2)(B), Welfare and Institutions Code/ ~~AB 112/ Chapter 1568/ Statutes of 1990~~; and 45 CFR 250.35(d) and 255.2(a).



Amend Section 42-783 to read:

42-783 CRITERIA FOR DETERMINING APPROPRIATENESS OF GAIN  
WORK AND TRAINING

42-783

.1 For determining good cause, an assignment, job referral, job offer, or job is not considered appropriate work or training, as specified in Section 42-782, if it meets any of the following conditions: (Continued)

(m) The offer of employment is at a wage level that results in a net loss of income, as specified in Section 42-784.

(1) The net loss of income provisions specified in Sections 42-783.1(m) and 42-784 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11328(a)(14) and 11333.7(b)(2)(B), Welfare and Institutions Code/ ~~AB 112/ Chapter 1888/ Statutes of 1990.~~

Amend Section 42-786 to read:

42-786 GAIN SANCTIONS (Continued)

42-786

- .8 The provisions of Section 42-786 shall not apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 11323.15, 11327.4(j), 11327.5(b), (c)(1)(A) and (B), (c)(2) and (3) and (d), and 11333.7(b)(2)(A), Welfare and Institutions Code; 45 CFR 250.30(b)(7); 45 CFR 250.34(c)(2) and (3); 45 CFR 255.2(h)(2); 54 FR 42173, October 13, 1989; and JOBS-ACF-AT-92-5.

Amend Section 42-788 to read:

42-788 EXEMPTIONS (Continued)

42-788

- .3 Only those exemptions specified in Sections 42-791, 42-793 and 42-799 shall apply to teen parents who are subject to the Cal-Learn Program as described in Sections 42-762 through 42-769 when that Program is operative.

Authority Cited: Sections 10553, ~~and~~ 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11310(b) and (c), ~~and~~ 11320.4(a) and 11331.5(b) and (c), Welfare and Institutions Code/ ~~AB 112/ Chapter 1368/ Statutes of 1990~~; 45 CFR 250.30(a) and (c)(2) and 45 CFR 250.31.